

Examiner's Comments

Information Disclosure Statement

There appears to be duplicates of each IDS filed on 8/5/11 and some of the statements are copies of previously submitted IDS filed on 8/4/04, 10/25/07 and 6/27/08 having corrections to documents listed on the statements. The majority of the documents have already been initialed and considered by the examiner. Thus, these documents were crossed out by the examiner.

The US applications, Gilbert (cite no. 123), Hergersberg (cite no. 131), Van Blokland (cite no. 197) (see IDS filed on 6/27/08) and Table and Annex B-D filed in EP 99 910 039.9 (see IDS filed on 10/25/07) filed in the information disclosure statement filed 8/5/11 fail to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because US applications do not have a publication date, instead they have a filing date. Gilbert, Hergersberg and Van Blokland are missing page numbers. The table and Annex B-D on page 8 are missing a publication date and page numbers.

It is noted that the examiner considered the US applications, Gilbert, Hergerberg, Van Blokland on 12/8/08 and mailed with the final rejection on 1/6/09, however, the documents should not have been considered because they are missing page numbers or are not US Patent documents.

They have been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date

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of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

In view of the number of documents and information disclosure statements provided by applicants and to avoid confusion of what was/was not considered by the examiner, it is suggested that applicant provide any of the documents not considered above on a new PTO-1449.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Whiteman whose telephone number 571-272-0764. The examiner can normally be reached on Monday-Thursday from 6:30 to 4:00 (Eastern Standard Time). The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Heather Calamita can be reached on 571 272-2876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Brian Whiteman/

Primary Examiner, Art Unit 1635